

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRIJANA PEAK,

Plaintiff,

vs.

JARED TAYLOR, Detective #2146,

Defendant.

8:23-CV-345

ORDER

The plaintiff has filed a motion for summary judgment (filing 27). That motion will be denied without prejudice.

As a general rule, summary judgment is proper only after the nonmovant has had adequate time for discovery. *Hamilton v. Bangs, McCullen, Butler, Foye & Simmons, L.L.P.*, 687 F.3d 1045, 1049-50 (8th Cir. 2012). Discovery in this case is not yet complete. *See* filing 22; filing 23; filing 25. In addition, the plaintiff's motion is unsupported by the brief and separate statement of material facts required by this Court's local rules. *See* NECivR 7.1(a)(1) and NECivR 56.1(a). Pursuant to those rules, the Court may "treat the failure to file a brief as an abandonment of the motion" and "[f]ailure to submit a statement of material facts may be grounds to deny the motion." NECivR 7.1(a)(1)(B); NECivR 56.1(a)(1).

Accordingly, the Court will deny the plaintiff's motion as both unsupported and premature. Such denial shall be without prejudice to reasserting the motion later, *after* discovery and case progression, and properly supported as required by this Court's rules.

The plaintiff has also filed a motion for leave to proceed in forma pauperis (filing 26). It is not clear why, because she has already been given

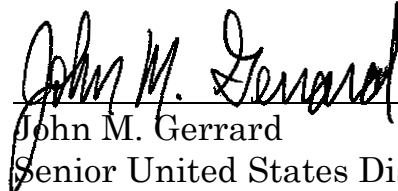
leave to proceed in forma pauperis. *See* filing 5. Accordingly, her new request for the same thing is moot.

IT IS ORDERED:

1. The plaintiff's motion for leave to proceed *in forma pauperis* (filing 26) is denied as moot.
2. The plaintiff's motion for summary judgment (filing 27) is denied without prejudice.

Dated this 10th day of March, 2025.

BY THE COURT:



John M. Gerrard
Senior United States District Judge